

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MARK S. ABAD,  
SCOTT E. ANDERSEN,  
PATRICE DUBOIS,  
DEBBIE A. MAHADEO, and  
JAMES D. MASUCCI

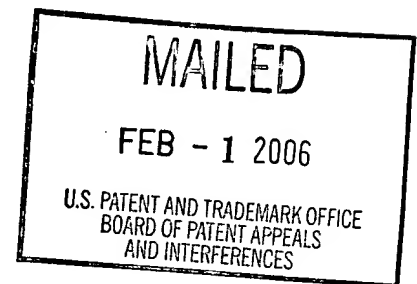
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Appeal No. 2005-1165  
Application 09/696,664

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**ORDER DISMISSING APPEAL**

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Before FLEMING, Chief Administrative Patent Judge,  
HARKCOM, Vice Chief Administrative Patent Judge,  
ADAMS, Administrative Patent Judge.

Per curiam.

On February 13, 2003, appellant filed a Notice of Appeal. On January 17, 2006, appellants filed a communication requesting that this application be "expressly abandoned under 37 C.F.R. §1.138(a) upon entry of the Amendment filed January 6, 2006." Appellants also noted that a continuation application was filed on January 12, 2006.

Accordingly, it is

ORDERED that the appeal filed February 13, 2003, is dismissed.

Appeal No. 2005-1165  
Application 09/696,664

The application is being returned to the examiner for further action as may be appropriate.

*Michael R. Fleming*  
Michael R. Fleming, Chief  
Administrative Patent Judge

~~Gary W. Harkcom, Vice Chief  
Administrative Patent Judge~~

Donald E. Adams  
Administrative Patent Judge

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

**Monsanto Company**  
800 N. Lindbergh Blvd.  
Mailzone E2NA  
St. Louis, MO 63167

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